The California

Advisory Commission
on Special Education

	— California Advisory Commission on Special Education
	California Advisory Commission on Special Education Annual Report 1997-98
2	Editors: Patricia Winget & Elissa Provance
	This document was dayslaned by the Advisory Commission on Special Education and edited and account
	This document was developed by the Advisory Commission on Special Education and edited and prepared by Resources in Special Education (RiSE), a special project of the California Department of Education (CDE),
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	necessarily reflect the policy of or position of the CDE.

— Annual Report 1997-98

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Acknowledgments

he Advisory Commission on Special Education wishes to acknowledge the contributions of those who enhanced the outcomes of the Commission's work by sharing their time, expertise, and wise counsel.

Honorable Susan Davis

Member of the California Assembly and Commission Member

Honorable Leroy Greene

Member of the California Senate and Commission Member

Ms. Delaine Eastin

State Superintendent of Public Instruction

Mrs. Kathryn Dronenburg

State Board of Education Member and Liaison to the Commission

Mrs. Marina Tse

State Board of Education Member and Liaison to the Commission

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Deputy Superintendent (Retired) Specialized Programs Branch California Department of Education

Mr. Henry Der

Deputy Superintendent Specialized Programs Branch California Department of Education

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Assistant Superintendent and Director (Retired)
Special Education Division
California Department of Education and
Executive Secretary to the Commission

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State Director of Special Education Special Education Division California Department of Education and Executive Secretary to the Commission

Dr. Ron Kadish

Assistant Superintendent and Director State Special Schools and Services Division California Department of Education

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Retired Commissioner (1993-97)

Dr. Marie Schrup

Consultant
Commission on Teacher Credentialing

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Legislative Aide to Assemblymember Susan Davis Mr. Ben Guyton

Retiring Student Member

Ms. Gabriela Gutierrez

Student Member

Dr. Allan Simmons

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California Department of Education
Special Education Division and
Liaison to the Commission

Ms. Darlene Helbling

Secretary to the Advisory Commission on Special Education

And a special acknowledgment to the following who, without their support and effort, this annual report could not have been written:

Mr. Paul Hinkle

Consultant
California Department of Education
Special Education Division

Ms. Patricia Winget

Project Director
Resource in Special Education

Ms. Elissa ProvanceWriter/Editor
Resources in Special Education

Further, the Commission wishes to thank all those members of the school community—teachers; classified staff; parents; nurses; psychologists; consultants; district, county office, and special education local plan area administrators; students with disabilities; and faculty of postsecondary institutions—who contributed to the children of California through their attendance, testimony, and written communication to the Commission.

Executive Summary

he Advisory Commission on Special Education is mandated by both State and federal law. It is required to study, assist, and provide recommendations at least annually to the Governor, the Legislature, the State Board of Education, and the State Superintendent of Public Instruction about issues related to the education and unmet needs of individuals with disabilities.

The Commission's work plan for 1997-98 included monthly meetings, public hearings, forums in both northern and southern California, and testimony by Commissioners to the California Legislature and the State Board of Education. Commissioners interacted with members of the State Legislature; the United States Department of Education, Office of Special Education Programs; and the U.S. Congress.

In 1997-98 the Commission continued the student membership of two students with disabilities who participated in all Commission activities and provided meaningful insight on all business matters.

The following issues were reviewed by the Commission and are detailed further in the Subcommittee Reports section of this document:

- Individuals with Disabilities Education
 Act Reauthorization (Public Law 105-17)
 Commission members provided public testimony on changes in the proposed Individuals with Disabilities Education Act (IDEA '97) regulations. The Commission also followed federal bills that dealt with increasing or decreasing IDEA implementation funding.
- The Commission participated in the passage of Assembly Bill (AB) 602, which reformed the system of funding special education programs and services in California. Commissioners also participated in the AB 602 workgroup to develop a report for the Legislature on accountability and sanctions.

Resource Specialist Caseload Waivers

At the request of the State Board of Education, the Commission presented formal recommendations for policy revisions on the approval of waivers to increase the pupil caseload for resource specialists.

Special Day Class Caseload/Class Size

The Commission began a series of public hearings to examine the level of over-enrollment of special day class programs in California to determine the complexity of the problem. An adhoc committee was appointed to develop a legislative solution in 1998-99.

Interagency Agreement with Department of Rehabilitation

At the request of the California Department of Education, Special Education Division, the Commission reviewed and approved the draft interagency agreement between the Department of Education and the Department of Rehabilitation for dissemination and information.

№ Core Curriculum

The Commission continued public discussion on core curriculum and special education in California relative to the general curriculum provision of IDEA '97.

▶ Differential Standards

The Commission reviewed current California Education Code relative to the application of differential standards for school district proficiency tests and recommended the development of an advisory to provide clarification for school districts.

Diplomas and Certificates

The Commission developed legislative language to allow for school districts and/or county offices of education to award a Certificate of Achievement/Completion in accordance with the provisions of the individualized education program.

Medication Advisory

At the direction of the Commission and above the signature of the state superintendent of public instruction, a medication advisory was distributed addressing the requirements in administering medications to all students.

Commission on Teacher Credentialing

The Commission established a liaison to the Commission on Teacher Credentialing to assist in establishing appropriate guidelines and to provide input on credentialing and training for special education teachers.

EXECUTIVE SUMMARY

State Board of Education

The Commission established a monthly liaison to the State Board of Education to ensure special education representation and support for the Board members.

Statewide Testing and Reporting Program

The Commission provided verbal and written communications to the State Board of Education on the inclusion of all students with disabilities in the statewide assessment program. This was followed with recommendations on the future of statewide assessments as they may apply to IDEA '97.

State Improvement Plan/Grant

Commission members participated in both the partnership and writing committees for establishing the direction and needs of special education programs during the next five years.

▶ Federal Corrective Action Plan

The Commission continued to monitor the implementation of the State Plan for Special Education relative to compliance with federal law and the federal Corrective Action Plan.

State Education Code

The Commission participated in the approval and writing of language to bring the education code into alignment with the changes to federal regulations as established by IDEA '97.

Compliance and Monitoring Procedures

The Commission recommended that the California Department of Education establish a process of data collection and reporting that would bring together pertinent information to better identify systemic patterns of information. This information should then be acted on in a proactive manner.

In addition to these issues, the Commission also followed a number of pieces of legislation that impacted students, parents, and professionals in the special education community. With continued involvement with such State and federal legislation, and with representation on the State Improvement Plan team, the Commission hopes to inspire the development of programs and services that reflect both compliance and quality for California's children, not one or the other.

Commission Charge & Membership

he Commission shall study and provide assistance and advice to the State Board of Education, the State Superintendent of Public Instruction, the Legislature, and the Governor in new or continuing areas of research, program development, and evaluation in special education.

The Commission shall report to the State Board of Education, the State Superintendent of Public Instruction, the Legislature, and the Governor not less than once a year on the following:

- Activities necessary to be undertaken regarding special education for individuals with exceptional needs as enumerated in Education Code Section 56100.
- The priorities and procedures utilized in distributing federal and State funds.
- The unmet educational needs of individuals with exceptional needs within the State.
- **Recommendations** related to providing better educational services to individuals with exceptional needs including, but not limited to, developing, reviewing, and revising the definition of "appropriate" as used in the phrase "free appropriate public education" in the Individuals with Disabilities Education Act (Public Law 105-17).

Composition (17 members)

- ▶ 1 member of the Assembly
- ▶ 1 member of the Senate
- 3 public members appointed by the Speaker of the Assembly
- ☼ 3 public members appointed by the Senate Committee on Rules

- 4 public members appointed by the Governor
- 5 public members appointed by the State Board of Education upon recommendation of the State Superintendent of Public Instruction or the members of the State Board of Education

COMMISSION CHARGE & MEMBERSHIP

Terms

- The members of the Legislature appointed to the Commission shall serve at the pleasure of the appointing power.
- **Each** public member shall serve a four-year term.
- Terms of public members expire December 31.

Amount of Time Required by Members

The Commission holds eight meetings and additional ad hoc task force meetings as needed. Committee meetings are generally set within the framework of regular meetings. In addition, there is sometimes a need for one or two days a month to prepare for Commission meetings or to attend State Board of Education meetings and special conferences when authorized by the Commission.

Additionally, Commissioners are often called upon to speak at meetings and conferences at the request of the California Department of Education, professional organizations, and the Legislature.

Compensation

Members of the Commission serve without compensation except that they are reimbursed for their actual and necessary expenses incurred in the performance of their duties.

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Statutory Authority

Individuals with Disabilities Education Act [20 U.S.C. Sec. 1412 (a)(21)]. California Education Code Section 33590.

Member	Appointing Body	Term			
Mr. Tim McNulty, Chair	State Board	9/8/95-12/31/99			
Mr. Larry Komar, Vice-Chair	Governor	9/19/96-12/31/99			
Dr. Loeb Aronin	State Board	10/10/96-12/31/01			
Ms. Natalye Black	Senate	2/2/96-12/31/99			
Mr. Louis Cassani	Assembly	11/27/96-12/31/99			
Dr. Philip Chinn	State Board	10/10/96-12/31/01			
Dr. Janice Emerzian	Governor	7/6/90-12/31/99			
Mr. David Gross	State Board	1/1/96-12/31/99			
Dr. Arlene Krouzian	Governor	1/26/93-12/31/97			
Ms. Veronica Lomeli	Assembly	11/27/96-12/31/99			
Ms. Barbara Monroe	Senate	1/5/98-12/31/01			
Dr. Terence Prechter	State Board	1/1/92-12/31/99			
Ms. Kendra Rose	Senate	2/20/91-12/31/99			
Mr. Donald Sanchez	Governor	9/19/96-12/31/97			
Lawrence Siegel, Esq.	Assembly	1/19/94-12/31/97			
Mr. Ben Guyton	Student Member	1996-98			
Ms. Gabriela Gutierrez	Student Member	1997-98			
Dr. Alice Parker	Executive Secretary				
Legislative Members					
Senator Leroy Greene					
Assemblymember Susan Davis					

■ Committee Reports

PROGRAM/POLICY COMMITTEE

Chairpersons:

Natalye Black & Terence Prechter
This committee met as a Committee of the Whole.

During the past year, much of the Commission's work regarding Program/Policy was driven by federal and State legislation. The reauthorization of the Individuals with Disabilities Education Act (IDEA, P.L. 105-17) and Assembly Bill (AB) 602, the Special Education Funding Reform legislation, provided a context on which the Commission could focus. In different ways, both pieces of legislation sought to

- clarify and simplify procedures and mandates in law that had been unnecessarily ambiguous and complicated;
- focus much greater attention and effort on programs and services for students within the general education program and the core curriculum;
- clarify and encourage parental involvement in all individualized education program (IEP) processes;
- require and encourage increased quality through greater accountability, programmatically and fiscally; and
- integrate, coordinate, and unify general and special education.

IDEA '97, AB 602, and the State Improvement Plan, currently under development by the Partnership Committee on Special Education as outlined in IDEA, will guide system stakeholders to concentrate in areas that are aligned and integrated with a focus on a results-driven system.

Also during 1997-98, the Commission sought to develop an ongoing dialogue and forge a collaborative partnership with the State Board of Education (SBE). This coalition-building is a continuing effort to unify and integrate efforts between general and special education as equal partners in educating all students.

California Advisory Co	ommission on S	pecial Education
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In an environment of increased attention to results, standards, assessment, and accountability, the Commission's work addressed the following broad areas:

See Curriculum Standards

Interagency Agreements

❖ Accountability/Assessment

▶ Parents

State Improvement Plan

Resource Specialist Caseload Waivers

SBE requested the Commission present formal recommendations for policy revisions on the approval of waivers to increase the pupil caseload for resource specialists.

Issues:

- **1.** Increasing numbers of school districts are requesting waivers of Education Code to exceed the caseload limit of 28 students for a resource specialist.
- **2.** With the implementation of class size reduction in grades kindergarten through 3, some resource specialist programs (RSP) that provide services exclusively to students in grades kindergarten through 3 have far more than 20 primary students.

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PROGRAM/POLICY
COMMITTEE REPORT

Recommendations:

- 1. Resource specialist caseload waivers must include
 - special education local plan area (SELPA) and districtwide caseload averages. (A low caseload average would indicate a district's or SELPA's ability to make internal adjustments.);
 - identification of the total number of district and SELPA unfunded units;
 - a description of the district's long-term plan to ameliorate the situation;
 - documentation and specificity of extraordinary circumstances for any request exceeding the 28-student caseload limit; and
 - an explanation specifying the intensity of the student's needs and student contact time.
- **2.** Automatic denial of a request when the RSP teacher disagrees with the request.
- 3. Convene a meeting with major stakeholders to review and discuss these waiver guidelines.

Individualized Education Program Model Format

The Commission requested the California Department of Education (CDE) develop a model IEP form to be used by all SELPAs to validate that their local forms meet federal and State requirements. These would be reviewed and/or updated annually.

Issue:

1. No cohesive form exists to measure a SELPA's compliance with federal and State requirements.

Recommendation:

1. CDE develop a model IEP format and include recent changes in IDEA and State law.

Special Day Class Teacher Case Load Limits

Following the class size reduction program and the caseload limits for resource specialists, the Commission received several concerns about the inappropriate size of special day classes frequently seen statewide. The Commission began considering this issue by conducting a public input session.

Issues:

- 1. Many special day class programs are significantly impacted by large numbers of students that in some cases combine a wide age range, different levels of functioning, and a variety of disabilities.
- **2.** Large class sizes often result in an inability for the teacher to meet the IEP goals and objectives for the students and thus a failure to provide a free appropriate public education as required by federal law.
- 3. Inadequate numbers of special class instructors statewide who are fully qualified.

Recommendation:

1. The Commission continue to gather public input and additional pertinent data to build a coalition of support to develop a legislative solution.

Youth Leadership Forum

Since 1992, the Governor's Committee for Employment of Disabled Persons has sponsored an Annual Youth Leadership Forum where high school juniors and seniors with a variety of disabilities learn to develop their leadership and citizenship skills to use in their respective communities. The Forum has received national recognition and is being duplicated in 34 states.

PROGRAM/POLICY
COMMITTEE REPORT

Issue:

1. Students and young adults with disabilities need opportunities to develop their leadership and self-advocacy skills.

Recommendation:

1. The Commission support the Budget Change Proposal from the Special Education Division to increase funding and expand this program regionally and to increase the awareness and the participation of youth who are disabled in all local education agencies (LEAs).

Interagency Agreement Between the California Departments of Education and Rehabilitation

As part of the 1992 Rehabilitation Act, the establishment of an interagency agreement between CDE and the Department of Rehabilitation (DR) was a mandate for DR. The agreement called for DR to work with students with disabilities prior to graduation.

Issue:

1. Although agreed upon, this agreement was never enforced.

Recommendations:

- **1.** Enforce the interagency agreement between the two State agencies.
- 2. Encourage CDE and DR to set annual timelines to review the contents of the agreement.
- **3.** Update the agreement to reflect changes in IDEA '97.

Graduation Standards

Curriculum standards are being developed by CDE for all subject matters and will be used to assess the knowledge of students in these subject areas through the use of the statewide achievement test.

Issues:

- **1.** Core curriculum standards are those courses of study deemed necessary by the LEA for successful completion prior to graduation.
- 2. Proficiency standards in basic skills are those criteria the LEA determines in given areas that define the necessary levels of achievement and understanding for which students must be accountable prior to graduation.
- **3.** Differential standards in basic skills are those modifications defined by the LEA for those enrolled in special education programs and for whom the regular instructional program has been modified. These differential standards define what modifications in the proficiency standards are acceptable for graduation and are addressed in the IEP.
- **4.** Graduation standards are levels of achievement necessary to receive a diploma and include the core curriculum and proficiency standards.
- **5.** Alternate courses of study are determined through the IEP for those students with significant disabilities who are unable to participate in the core curriculum or to complete the proficiency standards.

Recommendations:

- **1.** Issue an advisory to clarify the role of LEAs to develop differential proficiency standards in basic skills and define the role of the IEP team in the implementation of those standards.
- **2.** CDE actively include the concerns of children with special needs in the development of statewide curriculum standards and assessment tests.

PROGRAM/POLICY COMMITTEE REPORT

- **3.** CDE develop proficiency standards for statewide use to provide guidance and minimal standards for LEAs that assure all students in special education are challenged to meet their highest educational potential.
- 4. CDE sponsor a task group to develop specific language or recommendations that will clarify
 - requirements considered necessary to complete the core curriculum and/or proficiency standards by those students in special education who participate;
 - alternate courses of study for those students unable to complete the core curriculum or proficiency standards; and
 - graduation standards or requirements for each of these groups.

State Testing and Reporting Program

SBE adopted the Stanford Achievement Test, 9th edition, published by Harcourt Brace, as its statewide assessment tool. State Board regulations indicate that students in special education programs will be included in Stanford 9 testing, however, those who are administered the test using nonstandard accommodations (Braille, flexible scheduling, revised test format, or use of aids and/or aides to interpret or respond to test scores) will not receive percentile ranked scores.

SBE appointed a committee that includes a Commissioner, State Board members, and a representative from Harcourt Brace to review the Advisory Commission on Special Education's recommendations.

Issues:

- **1.** Pupils who are administered the Stanford 9 using a nonstandard administration will receive only raw scores as test results.
- **2.** Accommodations provide an equal opportunity for students with disabilities; they are not meant to provide an advantage.

Recommendations:

- 1. SBE direct Harcourt Brace to provide the same student data for students in special education who take the Stanford 9 with accommodations as provided for the general education population.
- **2.** An advisory accompany test results indicating that nonstandard administration data should be evaluated by parents and teachers based on previous test data and that results are tentative.
- **3.** Scores for the tests be aggregated and nonaggregated for a comparison of results.
- **4.** Conduct a validity research study to determine the effects, if any, various nonstandardized accommodations have on student results.

Triennial Assessment of the IEP

IDEA '97 requires an LEA to re-evaluate a student with a disability if conditions warrant such an evaluation or if a parent requests it, but at least once every three years.

Issues:

- **1.** Staff need assistance determining the progress of each student and what additional assessment may be necessary.
- **2.** Staff need to determine necessary program modifications and whether a student is ready to return to the general education program.

Recommendation:

1. Develop a Triennial Review Worksheet to meet the three-year re-evaluation requirement under IDEA '97

LEGISLATIVE/
FINANCE COMMITTEE

LEGISLATIVE/FINANCE COMMITTEE

Chairpersons:

Louis Cassani & Donald Sanchez

This committee met as a Committee of the Whole.

During the past year, the Legislative/Finance Subcommittee conducted several informal meetings to discuss its purpose as it relates the Advisory Commission on Special Education and children with special needs. Via numerous meetings, subcommittee members initiated dialogue with State legislators on significant issues impacting the special education community. Due to this level of involvement, the Commission became more proactive in seeking change and improvement. Additionally, these nonpartisan relationships provided the Commission more visibility and helped to move issues such as Assembly Bill 602, the Special Education Funding Reform Model, to the forefront of the legislative agenda.

During the upcoming year, the subcommittee is committed to educating the legislature on other key issues such as the repercussions of class size reduction on special education and special day class caseloads/class size.

High School Exit Document/Certificate of Completion

Some students with disabilities who successfully meet their potential through the goals and objectives of their individualized education program (IEP) are not awarded a diploma upon graduating.

The Commission proposed legislation to award a student in an alternate course of study who has successfully completed school to participate in graduation exercises and be awarded a certificate or diploma for "Recognition for Educational Achievement" or "Completion of Program." A concern with the proposed legislation was whether awarding such a certificate would create a disincentive to have those students meet the higher standards for a diploma.

Issues:

- 1. For students who meet the goals and objectives outlined in their IEPs, there is no required document to indicate or reward their success.
- **2.** The lack of acknowledgement of a student with disabilities' accomplishment may effect the student's pride and self-esteem.

Recommendation:

1. The Commission continue to work towards passage of a bill for students with disabilities to receive recognition upon successfully completing the goals and objectives in their IEPs.

State Legislation

AB 58 (Escutia):

Extends the date of provisions governing special education. (Support)

AB 205 (Machado):

Authorizes a speech-language pathology assistant to provide services under specified direction and supervision. (Support)

AB 285 (Honda):

Requires information about domestic violence and sexual assault be provided to school districts and county offices of education. Also requires school districts to adopt a course of study for grade 7 that includes a minimum of six hours of instruction in prevention. (Watch)

AB 504 (Wildman):

Requires the California Department of Education to develop guidelines for statewide regionalization of service delivery for students with low incidence disabilities. (Support)

AB 538 (House):

Requires classified employees to provide American Sign Language/English interpreting or sign, oral, or cued speech services. (No position)

AB 598 (Davis):

A noncontroversial clean-up bill for AB 602. (Sponsor)

AB 1140 (Prenter):

Increases funding for special education local plan areas that meets specified requirements. (Support)

LEGISLATIVE/ FINANCE COMMITTEE

AB 1276 (Papan):

Creates a pilot program for early intervention education service for children with exceptional needs who are younger than 3 years. (No position)

AB 1294 (Aguiar):

Targets case management services for children with an individualized health support plan to those services that may be provided under the Medi-Cal program. (Support)

AB 1565 (Ducheny):

Appropriates monies to reimburse school districts and county offices of education for state-mandated local costs. (No position)

AB 1652 (Sweeney):

Revises the responsibilities of the Education Council for Technology in Learning to make policy recommendations. Amended to coordinate technology programs with all other programs that include students with disabilities. (Oppose)

AB 1656 (Ducheny):

Makes appropriations for support of State government for the 1998-99 year. (No position)

AB 1832 (Wildman):

Enables local education agencies to bill for provided activities such as speech, nursing, and vision. Funds must be reinvested in the same activities. (Support)

AB 1967 (Keeley):

Provides that for the 1998-99 fiscal year, each school district or county office of education shall receive a special education transportation allowance equal to the greater of either 80 percent of the prior year's costs or the prior year's allowance. (Watch)

AB 2100 (Miller):

States that individuals with developmental disabilities and their families are the primary decisionmakers regarding services and supports such persons receive.

(Support)

AB 2138 (McClintock):

Enacts the Parents' Bill of Rights in Education Act to strengthen local education decisionmaking and parental responsibilities. (Oppose)

AB 2468 (Ashburn):

Specifies that for the 1999 calendar year, the cost-of-living adjustment shall be twice the amount it would be if computed pursuant to existing law. (Support)

AB 2748 (Mazzoni):

Requires an applicant for a specialist teaching credential in special education to demonstrate passage of the reading competency test. (Support)

SB 180 (Greene):

Enacts the Leroy F. Greene School Facilities program, which would establish a new State program for school facilities' construction and modernization. (No position)

SB 555 (Watson):

Establishes the Universal Newborn and Infant Hearing Screening, Tracking, and Intervention Act. Also requires the Departments of Health and Health Services to provide information to every general acute care hospital about the need for screening and follow-up. (No position)

SB 862 (Lee):

Establishes the Interagency Commission on African-American Males to consider recommendations made by the Commission on the Status of African-American Males in California and to promote the implementation of the recommendations. (No position)

SB 923 (Thompson, M.):

Requires the Department of Mental Health to designate sites for a system of postacute continuum-of-care models for adults with traumatic brain injuries. (No position)

SB 958 (Hughes):

Establishes the Behavior Analysts Certification Act that would provide certification for various behavior specialists. (Oppose)

SB 1015 (Schiff):

Repeals the provision that entitles any single district SELPA that is impacted by pupils who reside in licensed children's institutions to a support services amount. (No position)

SB 1193 (Peace):

Would gradually decrease the number of days for which county offices of education, as well as school districts, could receive average daily attendance for staff development. (Watch)

SB 1686 (Solis):

Makes technical changes in the Education Code to conform with the reauthorized Individuals with Disabilities Education Act. (Support)

LEGISLATIVE/ FINANCE COMMITTEE

SB 1972 (O'Connell):

Requires a testing program be used in kindergarten to determine a student's risk for developing a disability. (Oppose)

SB 2029 (Brulte):

Provides that individuals with exceptional needs who meet the criteria adopted the State Board of Education be awarded a high school diploma. (Sponsor)

SB 2122 (Lee):

Permits school districts to plan for a comprehensive pupil counseling program and requires the State Board of Education to award grants at the elementary and secondary levels. (Support)

SB 2223 (Committee on Health):

Requests the Regents of the University of California establish and administer a center for the Medical Investigation of Neurodevelopment Disorders. (Support)

Federal Legislation

S 1:

Legislation to fully fund or increase funds for IDEA implementation. (Support)

HR 399:

Bipartisan approval for full funding of IDEA. (Support)

HR 2614 (Goodling):

Provides \$210 million for a literacy program. (Support)

HR 3254 (Riggs):

Addresses the issue of punishment of states who refuse to provide services for 18-21 year olds incarcerated in adult prisons. (Oppose)

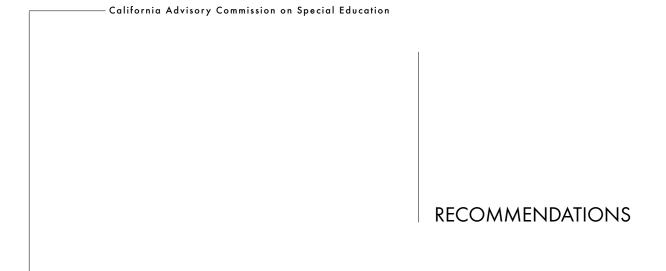
Recommendations

Resource Specialist Caseload Waivers

- 1. Resource specialist caseload waivers must include
 - special education local plan area (SELPA) and districtwide caseload averages. (A low caseload average would indicate a district's or SELPA ability to make internal adjustments.);
 - identification of the total number of district and SELPA unfunded units:
 - a description of the district's long-term plan to ameliorate the situation;
 - documentation and specificity of extraordinary circumstances for any request exceeding the 28-student caseload limit; and
 - an explanation specifying the intensity of the student's needs and student contact time.
- **2.** Automatic denial of a request when the RSP teacher disagrees with the request.
- **3.** Convene a meeting with major stakeholders to review and discuss these waiver guidelines.

Individualized Education Program Model Format

1. CDE develop a model IEP format and include recent changes in IDEA and State law.



Special Day Class Teacher Case Load Limits

1. The Commission continue to gather public input and additional pertinent data to build a coalition of support and to develop a legislative solution.

Youth Leadership Forum

1. The Commission support the Budget Change Proposal from the Special Education Division to increase funding and expand this program regionally and to increase the awareness and the participation of youth who are disabled in all local education agencies (LEAs).

Interagency Agreement Between the California Departments of Education and Rehabilitation

- 1. Enforce the interagency agreement between the two State agencies.
- **2.** Encourage the California Departments of Education and Rehabilitation to set annual timelines to review the contents of the agreement.
- **3.** Update the agreement to reflect changes in IDEA '97.

Graduation Standards

- **1.** Issue an advisory to clarify the role of LEAs to develop differential proficiency standards in basic skills and define the role of the IEP team in the implementation of those standards.
- **2.** CDE actively include the concerns of children with special needs in the development of statewide curriculum standards and assessment tests.
- **3.** CDE develop proficiency standards for statewide use to provide guidance and minimal standards for LEAs that assure that all students in special education are challenged to meet their highest educational potential.
- **4.** CDE sponsor a task group to develop specific language or recommendations that will clarify
 - requirements considered necessary to complete the core curriculum and/or proficiency standards by those students in special education who participate;
 - alternate courses of study for those students unable to complete the core curriculum or proficiency standards; and
 - graduation standards or requirements for each of these groups.

State Testing and Reporting Program

California Advisory Commission on Special Education

- 1. SBE direct Harcourt Brace to provide the same student data for students in special education who take the Stanford 9 with accommodations as provided for the general education population.
- **2.** An advisory accompany test results indicating that nonstandard administration data should be evaluated by parents and teachers based on previous test data and that results are tentative.

RECOMMENDATIONS

- **3.** Scores for the tests be aggregated and nonaggregated for a comparison of results.
- **4.** Conduct a validity research study to determine the effects, if any, various nonstandardized accommodations have on student results.

Triennial Assessment of the IEP

1. Develop a Triennial Review Worksheet to meet the three-year re-evaluation requirement under IDEA '97.

High School Exit Document/Certificate of Completion

1. The Commission continue to work towards passage of a bill for students with disabilities to receive recognition upon successfully completing the goals and objectives in their IEPs.

SpecialCommission Reports

ASSEMBLY BILL 602 IMPLEMENTATION

Liaison: Dave Gross

During 1997-98 the Advisory Commission on Special Education was involved with the implementation of Assembly Bill (AB) 602, the new funding system for special education in California. This involvement included monitoring the changes happening because of AB 602 and the reauthorized Individuals with Disabilities Education Act (IDEA '97) as well as involvement with the AB 602 legislated workgroup and studies.

The monitoring was accomplished by hosting panel discussions at two Commission meetings. At each of those panel discussions representation from three or four special education local plan areas (SELPAs) reviewed the status of and answered questions regarding the changes, if any, they were experiencing because of AB 602 and IDEA '97.

The Commission had members participating on the workgroup required by AB 602 to address the accountability issues that were not addressed in AB 602. The workgroup was divided into the following sections:

- 1. Program Accountability and Local Plans
- 2. Pupil Performance
- 3. Fiscal Compliance and Local Plans
- 4. Monitoring and Compliance
- 5. Sanctions and Other Enforcement Tools

The Commission had members providing input to all five groups. The workgroup report will be published in the Fall 1998 by the California Department of Education, Special Education Division. It is expected that legislation to implement the workgroup's recommendations will be introduced early in the next session of the Legislature.

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The Commission also had members that served as consultants for two studies required by AB 602. The Legislative Analyst's Office contracted with the American Institute for Research to perform these two studies. One of these studies was to analyze the varying incidence of disabilities among SELPAs across the State that are significantly above average in cost and are medically defined and/or severe. The other study was to look at the concerns and issues of the increasing nonpublic school and nonpublic agency costs.

As required by AB 602, recommendations will be forthcoming from both of these studies this summer.

INDIVIDUALS WITH DISABILITIES EDUCATION ACT IMPLEMENTATION

Liaison: Kendra Rose

The Advisory Commission on Special Education began its year in September 1997 with the knowledge that the Individuals with Disabilities Education Act (IDEA, P.L. 105-17) had been signed into law. Issues regarding discipline, services to adult inmates, and the membership of state panels, such as the Commission, were discussed. As a result of IDEA's reauthorization, the Commission membership will be expanded to include the new requirements.

The Commission followed any federal bill, including Senate Bill 1, that dealt with fully funding or increasing funds for IDEA implementation. Letters of support were sent to the California Congressional delegation (our House and Senate representatives) urging them to support those portions of federal legislation that increased the federal funding for IDEA. Also reviewed was proposed State legislation necessary to bring California's Education Code, Part 30 into conformity with the changes made as a result of the passage of IDEA '97.

Commission activity also included studying the draft regulations (proposed rulemaking) pertinent to IDEA '97. The Commission held a public hearing to solicit comments from the special education community regarding the regulations. The Commission also provided verbal and written testimony to the Office of Special Education Programs (OSEP) in Washington, D.C. that addressed specific issues. This testimony included specific commendations (i.e., focus on and inclusion in general education, reporting to parents of special education children at the same times and frequency as parents of general education children, and combining IDEA with other State and federal initiatives), requests for clarification (i.e., definition of developmentally delayed and accommodations for districtwide and statewide assessments), and specific recommendations (i.e., a second language acquisition teacher be included to help develop the individualized education program).

Before delivering verbal testimony, the Commission was represented at a meeting with OSEP staff and individuals from other western states to discuss IDEA implementation. The major part of those discussions centered around recruitment and retention of qualified personnel to staff special education programs and services. Presently, the Commission is awaiting the promulgation of the permanent regulations.

IDEA '97 mandates a State Implementation Plan be submitted to OSEP. To meet that mandate, Commission members met with Special Education Division staff, OSEP staff, and others to begin dialogue on the development of California's State Implementation Plan. OSEP staff was able to provide suggestions and technical assistance regarding the content of California's Plan. The Commission held two public hearings in conjunction with the Special Education Division in Downey and Oakland to gather information from parents and practitioners to help formulate the State Implementation Plan. The Commission assisted Division staff so that the Plan was submitted to OSEP by mid-February 1998. OSEP approved that Plan in May.

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COMPREHENSIVE SYSTEM OF PERSONNEL DEVELOPMENT ADVISORY COMMITTEE

Liaison: Kendra Rose

The Advisory Commission on Special Education has a liaison to the Comprehensive System of Personnel Development Advisory Committee (CSPDAC), which met four times during the 1997-98 school year.

This year CSPDAC dealt with the implications mentioned in the Individuals with Disabilities Education Act (IDEA '97) for personnel development. Discussion included how information and training could filter down to the "grass roots" of classrooms. There also were discussions regarding recruiting and retaining qualified personnel.

California is divided into 12 regional areas to deliver personnel development. A representative from each of the 12 regions is a CSPDAC member so that there can be a strong link between state-level activities and local activities to enhance staff development and parent participation. Other representatives to CSPDAC include members from other state agencies and organizations such as the Special Education Local Plan Area organization, Special Education Administrators of County Offices of Education, California Association of Professors of Special Education, California Commission on Teacher Credentialing (CCTC), Community Advisory Committee, Parent/Teachers Association, California Teachers Association and California Department of Education (CDE) staff.

There were continual updates during the meetings from the CCTC on legislation and new developments that impact teachers. Issues regarding inservice and preservice trainings, which occur in the institutions of higher education, were discussed and disseminated through the regional representatives.

CSPDAC also received regular updates from CDE staff relevant to training needs and opportunities as well as any changes that were happening in the Special Education Division. Each representative also shared the types of training and inservice that were occurring in their areas. This sharing and

networking were very beneficial as information of effective programs, good trainers, etc. was then utilized in many other regions. CSPDAC served as a very good clearinghouse of effective trainings that were happening in the State.

Several members from CSPDAC also worked on the partnership group and writing teams that were developing the State Improvement Plan. In addition, information was shared regarding the California Education Innovative Institutes that were being planned and implemented throughout the year. There were also reports and updates from the State Diagnostic Centers regarding a statewide survey on training needs and subsequent future trainings that the Centers will be offering. There were presentations on alternative assessment as it related to the new requirements in IDEA '97, autism, and Plan 2000.

DEAFNESS AND HARD-OF-HEARING TASK FORCE

Liaison: Larry Siegel

The Deafness and Hard-of-Hearing Task Force was formed in October 1996 by the state superintendent of public instruction. The Advisory Commission on Special Education was represented on this advisory Task Force, which was asked to "generate thoughtful and powerful recommendations so that we can improve the quality of education afforded to all deaf and hard-of-hearing students throughout California."

The Task Force will report the following to the superintendent in Summer 1998:

- **1.** Existing educational programs are generally ineffective because they are not communication-based.
- **2.** Statistics regarding educational competence (reading and language skills) and employment and income reveal deaf and hard-of-hearing children are far behind.

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3. A regionalized approach to the delivery of educational programs and services is cost-effective and educationally necessary so that deaf and hard-of-hearing children can succeed in school and become productive adults.

Such a delivery system will more effectively provide a true continuum of educational placements, from inclusive programs to the State Special Schools, that meet the varied communication and educational needs of deaf and hard-of-hearing students.

LARRY P. PANEL

Liaison: Loeb Aronin

The Advisory Commission on Special Education was represented at meetings conducted by the California Department of Education. The panel was established to recommend standards the State Board of Education should utilize to determine whether tests of intelligence may be approved to utilize with the assessment of African-American students.

SCHOOL-TO-CAREER TASK FORCE

Liaison: Janice Emerzian

In June 1994, the governor appointed a 27-member School-to-Career Task Force to provide a School-to-Career Plan to the Governor. Commissioner Janice Emerzian was appointed to the task force by the Governor and as a liaison from the Advisory Commission on Special Education to represent the interests of students with disabilities.

The task force concluded that a new vision for School-to-Work transition is needed, one based on contemporary economic and social realities. The current array of education and training programs needs to move toward a coherent system based on public-private cooperation. Young students need more and better career guidance. Technology must be integrated into the classroom and

made available to "all" students at the work site. "All" students must have the opportunity to learn academic and "workplace" skills required by business. "All students" means every student, including students with disabilities. These foundation skills should be acquired by most students by about the age 16. For those with special needs, accommodations and special assistance must be provided.

The task force also concluded that through local partnerships new world-class education standards must be developed that are uniformly high and comparable to the best standards of other industrialized nations and measure performance using reliable, objective, academic-based examinations while including "all" students. Developing a strong School-to-Career system should be the first step in a seamless system of lifelong education and employment for Californians, and should result in increased efficiency and effectiveness of California's educational system.

The task force recommended that the Advisory Commission on Special Education continue to appoint a liaison to the Governor's School-to-Career Task Force to represent students with disabilities.

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STATE IMPROVEMENT PLAN

Liaisons: Larry Komar & Kendra Rose

The Individuals with Disabilities Education Act specifies that each state develop a State Improvement Plan. This Plan is a vision and document that will guide California for the next five years giving leadership needed to produce high quality special education programs.

Commission members participated with other parents and practitioners in a partnership group and a writing group to develop a mission statement for the State Improvement Plan. Commission members, with these groups, also established goals, objectives, and action plans in the following eight areas:

- High Academic Standards
- Transition Standards
- Discipline Strategies
- ▶ Service Integration/Coordination
- ▶ Consumer/Parent Involvement
- Research-Based Strategies
- ▶ Educational Reform Coordination
- Results

Along with this Plan, the Commission has given input regarding the corresponding State Improvement Grant to secure more funding to implement the State Improvement Plan. Both the State Improvement Plan and Grant are a "work in progress" moving toward the submission date of October 1998.



California Department of Education Education, Equity, Access and Support Branch Special Education Division